

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

FILED BY  D.C.

05 MAY 20 AM 7:12

OLEN M. BAILEY, JR., Individually;)
TERESA W. BAILEY, Individually;)
THE BAILEY LAW FIRM,)
A Professional Corporation; and)
OLEN M. BAILEY, JR. and)
TERESA W. BAILEY, as Successors of)
UNBORN BAILEY BABY GIRL)
Plaintiffs)

ROBERT R. DITROLLO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

v.)

No. 04-2395 DP
JURY DEMANDED

DECK – WHITE STATION TOWER, LLC;)
DECK – WHITE STATION MANAGER,)
LLC; KAUFMAN PROPERTIES, INC.;)
KAUFMAN REALTY GROUP, LLC;)
TRAMMEL CROW COMPANY, P.C., INC.;)
SANITORS, INC.; and)
JOHN/JANE DOES, Individually)
Defendants and Third-Party Plaintiffs)

v.)

D.L. SCHMITZ WATERPROOFING &)
RESTORATION COMPANY, INC., and)
KERMIT B. BUCK & SON, INC.,)
Third-Party Defendants.)

SECOND AMENDED JOINT SCHEDULING ORDER

Pursuant to a joint motion of all plaintiffs and all defendants filed on or about May 9, 2005, the following dates are established, by this amendment to the First Amended Scheduling Order, filed September 2, 2004.

JOINING PARTIES: Third Party Defendants ... 280 days prior to trial

PRETRIAL AMENDING PLEADINGS: Third Party Defendants ... 280 days prior to trial

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INITIAL MOTION TO DISMISS: Third Party Defendants 270 days prior to trial

COMPLETING ALL DISCOVERY: 120 days prior to trial

(a) EXPERT DISCLOSURE (Rule 26)

(i) Plaintiffs Rule 26 Expert 230 days prior to trial

(ii) Defendants Rule 26 Expert 200 days prior to trial

(iii) Third Party Defendants' Rule 26 Expert 185 days prior to trial

(iv) Supplementation under Rule 26(e) 175 days prior to trial

(b) DOCUMENT PRODUCTION, INTERROGATORIES,
AND REQUESTS FOR ADMISSIONS

..... 160 days prior to trial

(c) DISCOVERY DEPOSITIONS

..... 120 days prior to trial

EVIDENTIARY DEPOSITIONS

..... 35 days prior to trial

FILING DISPOSITIVE MOTIONS

..... 100 days prior to trial

No depositions may be scheduled to occur after the discovery cutoff date. All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cutoff date to enable opposing counsel to respond by the time permitted by the Rules prior to the discovery cutoff.

Amendments to pleadings filed prior to the pretrial amendment cutoff date may be filed without further leave of court.

Motions to compel discovery or for a protective order are to be filed and served by the discovery cutoff date, or if the default occurs with less than 30 days until the discovery cutoff deadline, within 30 days of the default or the service of the response, answer or objection that is the subject of the motion to compel or for a protective order, unless the time for filing of such motion is extended by court order for good cause shown; otherwise, the right to object to the default, response, answer or objection shall be waived.

This case is to be set for jury trial, and the trial is expected to last at least 7 days. **The parties jointly request that the trial date be set by the court no sooner than March 2006.**

The joint pretrial order submission date, the pretrial conference date and trial date shall be set by

the presiding judge.

This case is appropriate for ADR. The parties are directed to engage in court-annexed attorney mediation or private mediation no later than sixty (60) days after the close of discovery and pursuant to separate Order entered simultaneously herewith.

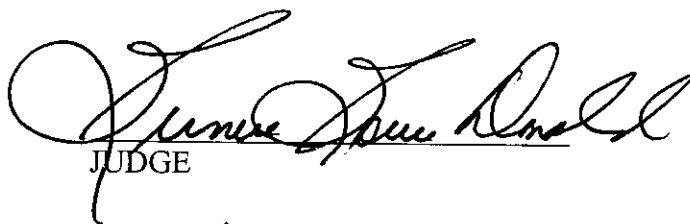
The parties are reminded that pursuant to Local Rule 11(a)(10)(a), all motions, except motions pursuant to Fed. R. Civ. 12, 56, 59, and 60 shall be accompanied by a proposed order.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties have not consented to a trial before the magistrate judge.

This Order (amending the scheduling order entered September 2, 2004) has been entered after consultation between and among trial counsel and pursuant to consent of all of the parties. Absent good cause shown, the scheduled dates set by this Order will not be modified or extended.

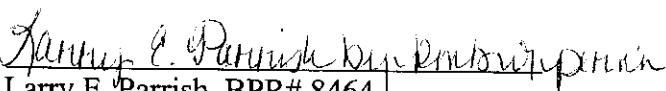
IT IS SO ORDERED


JUDGE

DATE: May 19, 2002

APPROVED IN FORM AND SUBSTANCE:

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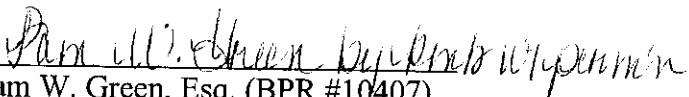
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Notice of Distribution

This notice confirms a copy of the document docketed as number 67 in case 2:04-CV-02395 was distributed by fax, mail, or direct printing on May 20, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT